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Opinion

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Guest: The failure of the EPA to protect the public from pollution

Can we trust the EPA to do what is in the public's best interest? Not if history is any guide, writes guest columnist E.G. Vallianatos.

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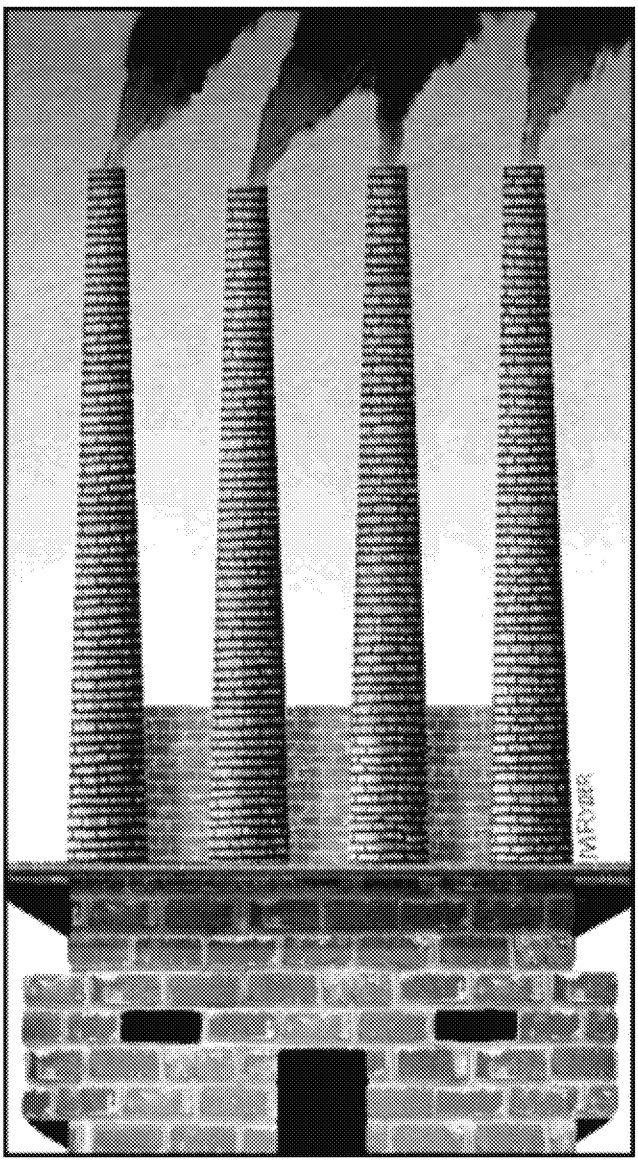
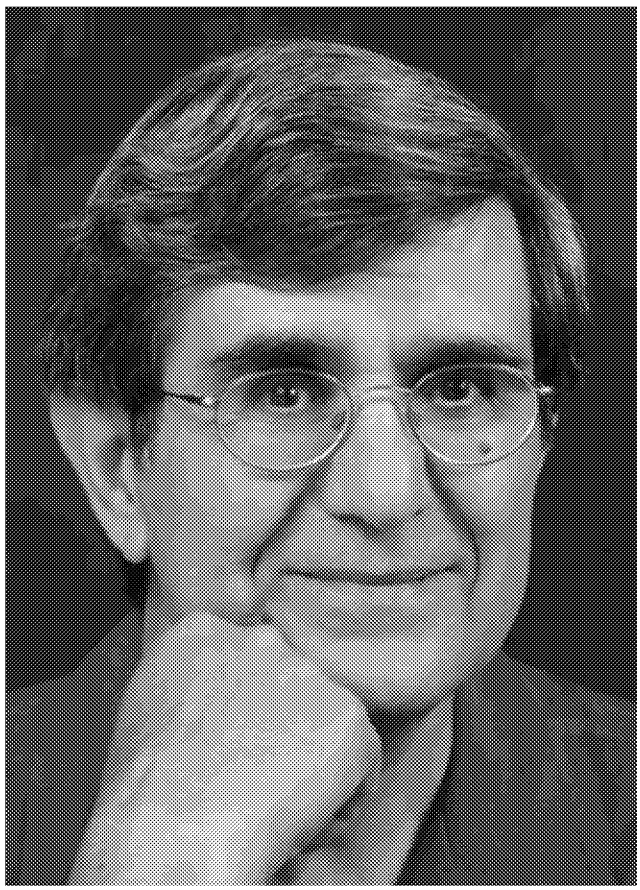
Special to The Times





MINING companies asking to dig for gold and copper in Bristol Bay, Alaska, threaten to destroy a great salmon fishery and the indigenous community that has long depended on it. The U.S. Environmental Protection Agency says it will consult the Clean Water Act to guide its decision on whether to prohibit or license the mining.

Can we trust the EPA to do what is in the public's best interest? Not if history is any guide.

We know that the greatest crisis facing the U.S. at the dawn of the 21st century is the steady deterioration of the natural world. The toxification of nature by poisons, the warming of the Earth, and epidemics of cancer and other diseases are the most serious manifestations of a broken regulatory system that does violence to public health and the natural world.

I worked at the EPA from 1979 to 2004, through five administrations both Republican and Democratic, and watched firsthand how industry expertly subverts an agency charged with protecting our health, our drinking water and the air we breathe.

I collected thousands of letters, memos, reports and scientific studies, and talked to dozens of colleagues over two decades. I witnessed the countless ways that industry manipulates our government, with dire consequences.

With highly placed industry appointees in both the White House and Congress, chemical and agricultural giants essentially control the actions of the EPA.

The agency routinely shrinks from enforcing the law. It does little to bring bad practices to an end, overlooks evidence of wrongdoing and ignores the rapid increase of cancer and other diseases corresponding to the spread of toxic-chemical use and pollution. It fails to keep companies accountable.

Here's how it works. Corporate lobbyists meet almost daily with EPA scientists and managers, muscling their science and pressuring them to see the world through industry eyes. This task is made easier when, as often happens, industry's chief lobbyists are former EPA political appointees, and senior EPA officials are former industry heavyweights.

Pesticide companies, for instance, hire senior EPA officials because those officials know how to craft strategies that will ensure the flow of toxins into the market and the profits derived from them.

Former government officials are able to persuade their former colleagues to be more lenient in their scrutiny of data provided by industry, which ensures that new and more dangerous pesticides continue to be "registered" and enter the market.

This revolving door is an opportunity for corruption and industry hegemony over would-be regulators. For example, Linda Fisher, a Reagan administration appointee in the EPA's pesticide and toxics kingdom, joined Monsanto.

But the official who started the revolving door at the EPA was William Ruckelshaus, now a strategic director at Madrona Venture Group in Seattle. He served the EPA with distinction as its first administrator. In 1972, he banned DDT, not a small achievement. But after leaving the agency in 1973, he was hired as senior vice president of Weyerhaeuser, the giant timber company based in Federal Way.

Ruckelshaus returned to the EPA as a Reagan appointee in 1983, then left the agency and took board positions at Monsanto, Cummins Engine, the American Paper Institute and worked with a group of companies, Coalition on Superfund, that lobbied for the weakening of the country's toxic waste laws.

Ruckelshaus also became the chief executive officer of Browning-Ferris, a huge waste-management company in Houston. When Ruckelshaus resigned from the EPA in 1985, he was earning $72,000, according to a 1989 report in The Nation. Browning-Ferris Industries hired him at a minimum salary of $1 million, according to the same report.

To be sure, the EPA is not the only federal agency where senior officials come from or leave for private-sector positions. Senior officials from the Federal Communications Commission and the Securities and Exchange Commission, for instance, have jumped to positions at companies they regulated while working for the federal government.

Another pathway to corruption goes through science. The captains of industry and EPA scientists speak the same technical language of science — which by its very nature is often ambiguous, evolving and incomplete.

But chemical companies are expert at presenting their data in a favorable light, emphasizing so-called economic benefits and downplaying the dangers of the chemicals they want to license.

With industry constantly browbeating Congress to shrink the size of the EPA, it becomes logical for EPA managers to encourage agency scientists to think of their own well-being first, trumpeting the economic benefits of new chemicals and downplaying worries that might prevent a new product from reaching the market.

EPA scientists quickly learn that challenging the corporate agenda can bring career-ending payback — their decisions would be questioned, their promotions and careers would be put at risk.

They don't ask many questions when they evaluate industry data about new pesticides, for example. The EPA's industry bosses handpick the scientists to collect data or — inside the agency — to adopt industry information and rubber-stamp it as government policy. A product labeled "EPA Approved" thus loses any real integrity.

Any president and his appointees at the EPA could have stopped this process of corruption, but they have so far chosen to favor the industry. But when the pesticide makers alone make about $40 billion a year, bales of money end up in re-election war chests of politicians who promise to continue doing industry's bidding.

Undoing industry influence over the EPA is crucial. The EPA must be redesigned to be independent.

A new EPA could look a lot more like the Federal Reserve. This means the president merely nominates the EPA administrator for, say, a 10-year term. The administrator, not the president, would appoint EPA senior officials. Then law should shield the EPA from industry influence, forbidding companies, members of Congress and White House officials from lobbying the EPA.

Second, all chemicals in the market should be tested for public-health and environmental effects. The chemical industry must not have the right to test its own products, as it does now. Fraud has plagued many industry testing laboratories. An independent organization must become the national testing facility.

Third, the revolving door between the industry and EPA must be closed. This is because when political men and women leave the government for positions in industry — or when industry people move into government — they carry their influence with them.

Finally, whistle-blowers — who see the corrupting influence of industry from inside — need real protection. Only with these changes would we be able to return the EPA to its original mission: protecting our bodies and our world.

E.G. Vallianatos, with McKay Jenkins, is the author of "Poison Spring: The Secret History of Pollution and the EPA," published by Bloomsbury Press in April.